



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/689,917

10/17/2003

Atsushi Ishii

SLA.1283

3962

55376

7590

12/21/2006

ROBERT D. VARITZ
4915 S.E. 33RD PLACE
PORTLAND, OR 97202

EXAMINER

MILORD, MARCEAU

ART UNIT

PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

12/21/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/689,917

Applicant(s)

ATSUSHI ISHII ET AL

Examiner

Marceau Milord

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaDue (US Patent No 6185198 B1) in view of Russell et al (US Patent No 6978939 B2) and Gilhousen et al (US Patent No 4928274).

Regarding claim 1, LaDue discloses a method of bi-direction communication (figs. 1-2) between mobile communication devices, wherein each mobile communication device has data storage locations, and wherein the mobile communication device includes a data capture mechanism (col. 9, lines 61- col. 10, line 43; col. 11, lines 40-65), comprising: rendering, in one mobile communication device, data in a computer readable form (col. 12, lines 36-67; col. 16, lines 1-35; col. 13, lines 11-60; col. 16, line 36-col. 17, line 51).

However, LaDue does not specifically disclose the steps of converting the rendered data to a graphic representation; and reading and storing the graphic representation with the optical capture mechanism of another mobile communication device.

On the other hand, Russell et al, from the same field of endeavor, discloses a method and apparatus for providing a portable imaging device configured to associate information from a business card with a digital picture image. The portable imaging device includes a casing having a business card receptacle configured to receive a business card. The portable electronic device also includes a digital camera portion and a scanner portion. The scanner portion is housed within the casing and configured to extract personal information from the business card received in the business card receptacle. The digital camera portion is coupled to the casing and is configured to digitally capture a picture image. The scanner portion and the digital camera portion are operatively coupled to memory storage. The memory storage is operable to save the picture image with the personal information to provide an association there between (col. 1, line 58- col. 2, line 6; col. 3, lines 1-25). Furthermore, the portable imaging device is configured to interconnect and electrically communicate with the PDA. Such a portable imaging device is configured to include a scanner portion and a digital camera portion. The scanned image of the business card can then be transferred and viewed on the PDA. The digital camera portion is configured to digitally capture a picture image, which can also be viewed on the PDA. The user can save and maintain the scanned image linked with the picture image in the storage software to maintain an association between the scanned image and picture image. The scanned image and the picture image can then be readily retrievable from the storage software and viewable together on the display of the PDA (figs. 4-6; col. 5, line 19-col. 6, line 30). The imaging capture head can

Art Unit: 2618

be configured to provide the scanned image as information in the form of a graphical image or decodable with an optical character recognition process to be in the form of a text image. It is also contemplated that the text image can be integrated with the picture image so that the information from the text image overlies the picture image, thereby, being readily viewable together and saved together in a single file (col. 6, lines 31-61).

Gilhousen et al also discloses a message communication system employing one or more centralized communication stations transmitting messages through Earth orbit relay satellites to mobile receivers utilizing Time Division Multiplexed communication signals having signal time frames divided into a series of transmission channels. In this case, one or more system user facilitates in the form of central dispatch offices, message centers, or communication offices are tied through a telephonic, optical or other communication link to the Hub 14. In addition, for large numbers of remote customer message centers, a message or network management center can be employed to more efficiently control the priority, access, accounting, and transfer characteristics of message data a graphic representation of the resulting signal format for the communication signal using the TDM frames (col. 7, lines 28-54). Each frame consists of a number of channels, which represent substantially identical, sub-frame length periods over which data is transferred. This means that messages or message signals are transferred a few bits at a time during each successive frame until the message is completed (col. 5, lines 30-49; col. 6, lines 29-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Gilhousen to the modified system of Russell and LaDue in order to allow flexibility in the data transfer.

Art Unit: 2618

Allowable Subject Matter

3. Claims 5-7 are allowed.

Allowable Subject Matter

4. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2618

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MARCEAU MILORD

Marceau Milord

Primary Examiner

Art Unit 2618


MARCEAU MILORD
PRIMARY EXAMINER